

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
DEL RIO DIVISION

GERARDO LOPEZ, JR.  
AND CLAUDIA LOPEZ

Plaintiff,

vs.

ASI LLOYDS

Defendant.

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CIVIL ACTION: 2:16-cv-109

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**NOTICE OF REMOVAL**

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TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

ASI Lloyds files this Notice of Removal pursuant to 28 U.S.C. §1446(a) and respectfully shows the Court the following:

*Procedural Background*

1. On or about April 21, 2016, Plaintiffs filed Plaintiffs' Original petition in the matter styled *Gerardo Lopez, Jr., and Claudia Lopez vs. ASI Lloyds*; Cause No. 16-04-32983; In the 365<sup>th</sup> Judicial District Court, Maverick County, Texas. ASI Lloyds' registered agent received the citation and petition on June 2, 2016. Defendant ASI Lloyds files this Notice of Removal within the thirty-day time period required by 28 U.S.C. §1446(b).
2. Attached hereto as Exhibit "A" is the Index of Matters Being Filed. A copy of the Maverick County Clerk's file for this case is attached as Exhibit "B", which includes true and correct copies of all executed process, pleadings and orders, and a copy of *Defendant's Original Answer*. Attached hereto as Exhibit "C" is the Designation of

Counsel.

*Basis for Removal*

3. Removal is proper under 28 U.S.C. §1332(a)(1) in that there is complete diversity of citizenship.
4. Plaintiff is, and was at the time the lawsuit was filed, a citizen of the State of Texas. *See* Plaintiff's Original Petition.
5. Defendant, ASI Lloyds, was, and at the date of this Notice remains, an association of underwriters. The individual underwriters are as follows: Tanya J. Fjare, Trevor C. Hillier, Kevin R. Milkey, Gregory E. Stewart, John F. Auer, Jr., Robert K. Munns, Jr., Edwin L. Cortez, Mary F. Bacon, Antonio Scognamiglio, and Philip L. Brubaker. Each of these underwriters is a citizen of the State of Florida "The United States Supreme Court has consistently held for over one hundred years that the citizenship of an unincorporated association [such as ASI Lloyds] is determined...solely by the citizenship of its members." *See Massey v. State Farm Lloyds Ins. Co.*, 993 F. Supp. 568, 570 (S.D. Tex. 1998); *see also Gore v. Stenson*, 616 F. Supp. 895, 898-899 (S.D. Tex. 1984) (recognizing years of Supreme Court precedent reaffirming the treatment of unincorporated associations for jurisdictional purposes). Accordingly, ASI Lloyds is not a citizen of the State of Texas.
10. The amount alleged to be in controversy greatly exceeds \$75,000. Plaintiff's Original Petition clearly states that Plaintiff seeks damages between \$200,000 and \$1,000,000." *See* Plaintiff's Original Petition. This evidence clearly demonstrates that the amount in controversy in this case exceeds the amount required to support federal jurisdiction.

*The Removal is Procedurally Correct*

11. ASI Lloyds was first served with the petition on June 2, 2016. ASI Lloyds filed this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).
12. Venue is proper in this district under 28 U.S.C. §1446(a) because this district and division embrace the place in which the removed action has been pending and because a substantial part of the events giving rise to the Plaintiffs' claim allegedly occurred in this district.
13. Pursuant to 28 U.S.C. §1446 (a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.
14. Pursuant to 28 U.S.C. §1446(d), promptly after ASI Lloyds files this Notice, written notice of the filing will be given to Plaintiffs, the adverse party.
15. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of Maverick County, promptly after ASI Lloyds files this Notice.

Respectfully submitted,

BROCK PERSON GUERRA REYNA, P.C.  
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ATTORNEYS FOR DEFENDANT  
**ASI LLOYDS**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been served in accordance with Federal Rule of Civil Procedure 5(b) on this 7<sup>th</sup> day of July 2016, to:

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/s/ Michael I. Ramirez

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LESLIE A. LEWIS